

**BERNSTEIN IP**

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August 27, 2019

**VIA ECF**

Hon. P. Kevin Castel  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Courtroom 11D  
New York, NY 10007-1312

Re: *Miller, et al. v. Participatory Safety, Inc., et al.*,  
United States District Court, Southern District of New York  
Case No.: 19-cv-6994 (PKC)  
Client/Matter No.: 1535.1

Your Honor:

My firm represents plaintiffs in connection with the above-referenced matter.

Plaintiffs and Defendant Participatory Safety, Inc. ("PS") respectfully request the Court adjourn the September 25, 2019 initial pretrial conference in this matter.

This is the first request for an adjournment in this action.

As Your Honor is aware, on July 29, 2019, the Court ordered a September 25, 2019 initial pretrial conference in this matter.

Plaintiffs have diligently attempted to formally effect service of the Summons and Complaint on PS (with no success), and last week PS notified plaintiffs (through PS' counsel) that it will waive service of the initial pleadings. Yesterday, the waiver form and initial pleadings, including the Court's July 29, 2019 Order setting the September 25, 2019 pretrial conference, were served on PS' counsel and PS consents to the requested adjournment. In accordance with Fed. R. Civ. P. 4(d), PS has until 60 days from the date of service to respond to the Complaint.

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Accordingly, the parties respectfully request an adjournment of the September 25, 2019 initial pretrial conference to a date after October 25, 2019 that is convenient for the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'KJ Bernstein', written over a horizontal line.

Karen J. Bernstein  
Attorney for Plaintiffs

KJB/jbm

cc: Eric J. Shimanoff, Esq. (via email only)  
Joelle A. Milov, Esq. (via email only)